



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 428-00
15 August 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 13 July 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

1780

PERS-604

13 JUL 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 21 Jun 00
(b) Veterans Benefits Improvement Act of 1996
(PL 104-275)

1. The following is provided in response to reference (a):

a. This office recommends denial of [REDACTED] request to enroll in the MGIB Program. Reference (b) allowed Veterans Educational Assistance Program (VEAP) participants who were on active duty and had money in a VEAP account on 9 October 1996 (date of enactment) to elect to participate in the Montgomery GI Bill (MGIB) Program. Eligible VEAP participants were required to make an MGIB Program election prior to 9 October 1997. Members who did not make an election before the legislated deadline lost the opportunity to convert to the MGIB Program. Navy did not know the requirements for conversion until the law was enacted; therefore, it was not possible to advise members in advance of what action to take to guarantee eligibility for the MGIB Program.

b. [REDACTED] received a refund of \$275 from her VEAP account on 16 April 1982 and had a zero balance until March 1999. Since [REDACTED] did not have money in her VEAP account on 9 October 1996, she was not eligible to convert to the MGIB Program.

c. With regard to [REDACTED] statement that she was misinformed, since PNI [REDACTED] was not eligible for the conversion, she would not have been notified of the conversion opportunity. This office released a Naval

[REDACTED]

d. PN1 Solomon-Kelvin retains VEAP as her educational benefits program. She may recontribute up to a total of \$2,700 to her VEAP account prior to leaving active duty to receive the maximum benefit of \$8,100.

G. VICKERS

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